

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: CHARLES WATKINSON ART UNIT: 1791
SERIAL NO.: 10/598,398 EXAMINER: JODI COHEN
FILED: DECEMBER 22, 2006 CONFIRMATION NO.: 3733
TITLE: FORMATION OF GLASS FLAKES

NOTICE OF APPEAL

Hon. Commissioner for Patents
United States Patent and Trademark Office
P. O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Applicant hereby appeals to the Patent and Trademark Office Board of Patent Appeals & Interferences from the final rejection, dated June 2, 2009 (*Petition for Three-Month Extension of Time*, pursuant to 37 C.F.R. §1.136(a), and requisite extension fee of \$555.00 (small entity) being concurrently remitted via EFT), by the Examiner of all pending claims (*i.e.*, Claims 5-9) on all grounds for final rejection, namely:


A. Claims 5-9 have been rejected, pursuant to 35 U.S.C. §103(a), as being obvious over Watkinson, U.S. Patent No. 5,017,207; and,

B. Claim 5 has been rejected as obvious, pursuant to the non-statutory doctrine of obviousness-type double patenting, over Claim 9 of Watkinson, U.S. Patent No. 5,017,207, taken in view of P.C.T. Publication No. WO 88/08412.

The requisite fee of \$270.00 (small entity) for filing the Notice of Appeal, pursuant to 37 C.F.R. §1.17(e), is being concurrently remitted via EFT.

Respectfully submitted,

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December 2, 2009

The Commissioner for Patents is hereby authorized to charge the Deposit Account of Applicant's Attorney (Account No. 19-0450) for any fees or costs pertaining to the prosecution of the above-identified patent application, but which have not otherwise been provided for.